

## Remarks

### I. Introduction

This is in response to the Office Action dated July 26, 2007. The Office Action rejected claims 2-16 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Patent Cooperation Treaty (PCT) Patent No. WO 97/47119 (Hansson) in view of EP Patent Application EP 0709997 (Baechle) and further in view of U.S. Patent Publication No. 2006/0215029.

In response, Applicants have amended claims 6, 12, 13, 15, 16, and 21. Claims 1 and 17-18 were previously canceled.

### II. Rejections under 35 U.S.C. §103

Claims 2-16 and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hansson in view of Baechle and further in view of Katz.

The Supreme Court has stated, in KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007), that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” One “must ask whether the combination results in more than would be expected from the predictable use of prior art elements according to their established functions.” If the combination yields more than one would expect from such an arrangement, then the invention is non-obvious. Likewise, if “the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.”

The present invention is generally directed to a method and apparatus for transmitting audio / visual (A/V) information between a sender and a recipient using two independent networks – a voice communication network and a data network. The recipient is identified by a voice communication network address and a data network address. A voice connection is established on the voice communication network between the sender and the recipient. The data network address is determined for the recipient based on an association between the recipient data network address and the recipient's voice communication network

address. An identification of the A/V information that is to be sent to the recipient is obtained from the sender. The A/V information is then transmitted to the recipient data network address via a data network during the voice connection. The recipient navigates through the A/V information via the voice connection. For example, the recipient can move forwards and backwards through a series of audio-visual screens using the telephone keypads.

Independent claim 21 is directed to a method of transmitting audio / visual (A/V) information from a sender to a recipient using a voice communication network and a data network, the voice communication network being independent from the data network. Amended, independent claim 21 claims the limitations of:

A method of transmitting audio / visual (A/V) information from a sender to a recipient using a voice communication network and a data network, said voice communication network independent of said data network, the method comprising the steps of:

establishing a voice connection on said voice communication network between said sender and said recipient, said recipient having a voice communication network address; ...

determining a recipient data network address based on an association between said recipient data network address and said recipient's voice communication network address; ...

transmitting said A/V information to the recipient data network address via said data network during said voice connection;

Hansson does not disclose the above limitations. Specifically, Hansson does not disclose using two independent networks – a voice communication network and a data network – to transmit A/V information from a sender to a recipient. Instead, Hansson discloses using a shared network (its TV distribution network) to transmit information to a user. In particular, Hansson discloses “the possibility of simultaneous IP sessions and telephone calls over the same NT 5. ... The telephony procedure uses the same communication medium as the IP session, the telephony data packages are certainly mixed with the datacom traffic, but the telephone call will not influence the session.” (Hansson, page 19,

lines 26-31). Unlike claim 21, which claims the use of a voice communication network and a data network to transmit A/V information, Hansson transmits both data traffic and telephone traffic to a user over a shared medium. As a result, Hansson does not disclose the above limitations.

Baechle also does not disclose the above limitations claimed in amended, independent claim 21. Baechle discloses a method and apparatus for broadband network telemarketing. Baechle enables a customer to initiate contact with a telemarketing agent. A connection is established enabling signaling, audio, video, and data communication between the customer and agent. The connection also allows the agent to take control of the display of the customer's television and to pass control of the display of the customer's television back to the customer. (Abstract).

Baechle does not, however, disclose using two independent networks – a voice communication network and a data network – to transmit A/V information from a sender to a recipient. Instead, Baechle discloses that a "customer's TV (10) is connected through a digital set top box (12) and a broadband transmission link (14) to a broadband network server complex (20)." (Baechle, col. 2, lines 42-46). Baechle discloses a single broadband network link (14) going to the customer. As a result, Baechle does not disclose using two independent networks – a voice communication network and a data network – to transmit A/V information from a sender to a recipient. Katz also does not disclose using a voice communication network and a data network to transmit A/V information from a sender to a recipient. As a result, none of the cited references disclose all of the limitations claimed in amended, independent claim 21.

Amended, independent claim 13 is allowable for reasons similar to those described above in connection with claim 21. Therefore, for the reasons discussed above, independent claims 13 and 21 are allowable over the cited art.

Dependent claims 2-12, 14-16, and 19-20 depend upon an allowable independent claim and are therefore also allowable. In addition, these dependent claims add additional patentable subject matter and are also allowable for the reasons discussed below.

Dependent claim 3 claims the limitation of the recipient authorizing the transmitting by remaining on the connection for a designated period of time. The Office Action states that Hansson discloses this limitation on page 17, lines 18-24. Page 17, lines 18-24 states that Hansson's TV Internet Protocol Network Terminal (NT) detects an on hook condition of the telephone of user A and then the connection to user B is terminated. The Office Action states that this limitation "reads on the connection is done between two devices by per session; thus when the session is terminated by an 'on hook', the connection is terminated." Hansson does not, however, disclose authorizing a transmission of information after a connection has been maintained for a previously specified period of time. Hansson does not disclose a previously set, or designated, period of time to remain on a call and then, after the previously specified time elapses, allowing the transmission to occur.

The Office Action also states that the limitation of claim 3 is disclosed by Baechle in col. 6, lines 28-38. Col. 6, lines 28-38 of Baechle disclose that the agent can terminate "signaling, audio, data and video connections between the customer and telemarketing center" or "returns the customer to the broadband network main menu by terminating the customer's connection to the broadband network server's ITV home shopping network and terminating signaling, audio, data and video connections between the customer and telemarketing center". Thus, col. 6, lines 28-38 disclose Baechle terminating connections but does not disclose authorizing a transmission of information when a recipient remains on a voice connection for a designated period of time. Therefore, dependent claim 3 is allowable.

III. No New Matter has Been Added

The amendments to claims 6, 12, 13, 15, 16, and 21 do not add new matter. Support for the claim amendments are shown throughout the Specification and at least at page 4, lines 72 – 78.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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